

REMARKS

The foregoing amendment and the following comments are responsive to the non-final Office Action mailed October 19, 2004. In that Office Action, Examiner rejected Claims 1-11 and 15 as being indefinite under second paragraph of 35 U.S.C. 112. Claims 12-15 were rejected under 35 U.S.C. 101 double patenting. Claims 1-15 were rejected under the judicially created doctrine of obviousness-type double patenting over Applicant's U.S. Patent No. 6,737,087. Claim 11 was further objected to under 37 CFR 1.75(c) as being improperly dependent on multiple sets of claims.

By this amendment, Applicant has amended the claims to more clearly claim the subject matter which he regards as the invention, as well as place the claims and the specification in suitable condition for allowance. To that end, Applicant has cancelled Claims 11-15. Accordingly, all issues related to such claims are now moot. With respect to the rejection of the claims under the judicially created doctrine of obviousness-type double patenting over Applicant's United States Patent Number 6,737,087, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c).

Moreover, to address the rejection of the claims being maintained under 35 U.S.C. §112, Applicant has amended Claims 1 and 3 to address specific issues raised by the Examiner. Specifically, Claim 1 has been amended to clarify that the brain cells are being protected from excitotoxicity and further, with respect to Claim 3, that the Asiasari Radix extracts are extracted with a lower alcohol prior to the acid pH adjustment. Accordingly, such issues regarding indefiniteness are believed to have been overcome.

Still further, by this amendment, Applicant has corrected minor informalities appearing in the specification. Moreover, Applicant has additionally introduced in paragraph [0010] of the specification that includes additional background information related to the present invention. Such paragraph, which appears in the Korean patent applications to which the present application claims priority, had inadvertently not been included in connection with the filing of the present application or parent application. Such omitted paragraph further does not include new matter.

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In addition to the foregoing, Applicant submits herewith new Claims 16-20 drawn to methods for forming an Asiasari Radix extract, as well as the extracts formed by such methods. Such claims are believed to be novel and non-obvious over the prior art and condition for immediate allowance.


Based on the foregoing, Applicant respectfully submits that all outstanding matters have been addressed and that the present application is in condition to be allowed. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding matters that may exist, the Examiner is invited to contact Applicant's counsel at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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